

Lebowitz



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Support Health Services, Inc.

File: B-270197

Date: November 29, 1995

DECISION

Support Health Services, Inc. protests the award of a contract to Premier Nurse Staffing, Inc., under request for proposals (RFP) No. N62645-95-R-0009, issued by the Naval Medical Logistics Command, Department of the Navy, for registered nurse services at the National Naval Medical Center, Bethesda, Maryland. The protester, which submitted a lower technically rated, higher-priced proposal vis-a-vis Premier, basically challenges the evaluation of its proposal for experience, the agency's decision to award on the basis of initial proposals without conducting discussions, and the agency's price/technical tradeoff decision.¹

We dismiss the protest.

The basic issues raised in this protest are identical to the issues raised in Wesley Medical Resources, Inc.; Human Resource Sys., Inc., B-261938.5; B-261938.6, Nov. 20, 1995, 95-2 CPD ¶ __, which involved challenges of the evaluation of the protesters' proposals, particularly for the experience evaluation factor, the agency's decision to award on the basis of initial proposals without conducting discussions, and the agency's price/technical tradeoff decision which resulted in an award to Premier, a higher technically rated, higher-priced offeror vis-a-vis the protesters. In Wesley Medical Resources, Inc.; Human Resource Sys., Inc., we held that where the agency's evaluation of the protesters' initial proposals for experience and price realism were reasonable and in accordance with the solicitation's evaluation criteria, and where the agency reserved the right to make an award on the basis of initial proposals without conducting discussions, the award to Premier, a higher technically rated, higher-priced offeror, was proper.

¹The record shows that by letter dated June 27, 1995, the protester was notified of the award to Premier. In July, while the protester and an official in the contracting office exchanged telephone calls, no debriefing was held. On October 4, by telephone, the contracting officer debriefed the protester. This protest, filed on October 13, is untimely because the protester failed to diligently pursue its grounds of protest. See Rice Servs., Ltd.-Recon., 72 Comp. Gen. 117 (1993), 93-1 CPD ¶ 182.

Since the issues raised and the arguments made by the protester in this protest are the same as in the earlier protests, which were resolved by our decision of November 20, we see no useful purpose to be served by our further consideration of this protest. See Nova Group, Inc., B-245333, Dec. 20, 1991, 91-2 CPD ¶ 568.²

Accordingly, the protest is dismissed.

Comptroller General
of the United States

²The protester teamed with Nursefinders, Inc. In its initial proposal, the protester stated that over the last 4 years, it employed an average of 2,000 full-time equivalent employees and that Nursefinders had 20 years of experience in the health care industry. This information does not, however, respond to the requirement in the solicitation for a numerical and type breakdown of "registered nurses" previously provided. Accordingly, the agency reasonably downgraded the protester's proposal on the basis that the firm failed to demonstrate that it had experience comparable to the effort contemplated by the solicitation.